

MAY 09 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Application Number:** 09/826,731

**Application Filed:** April 4, 2001

**Applicants:** Jerome O. Cantor, Bronislava Shteyngart

**Title:** Intratracheal Administration of Lysozyme

**Examiner/GAU:** Michael V. Meller/1651

Brooklyn, New York, May 5, 2003

AMENDMENT FOLLOWING FINAL ACTION

Assistant Commissioner for Patents  
Washington, DC 20231

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Sir,

The following amendment specifically concerns Claim 28, and responds to the Examiner's objection to the term *comprises*, which did not limit the claims to the sole use of lysozyme as a treatment for pneumonia and therefore made them unpatentable over Weaver et al. and Gavrilenko et al. taken with Kats et al.

As suggested by the Examiner, the term, *essentially consists of*, has been substituted for *comprises*, to provide the necessary limitation to the scope of the claims. A listing of all of the current claims is provided, along with their status.

What is claimed is:

28. (currently amended) A method of treating pneumonia that ~~comprises~~  
essentially consists of intratracheally administering a therapeutically effective

29. (previously amended) A method of claim 1, wherein intratracheal administration is performed by nebulization.
30. (previously amended) A method of claim 1, wherein the lysozyme is isolated from a natural source such as eggs.
31. (previously amended) A method of claim 1, wherein the lysozyme is produced by a bioprocess such as fermentation.
32. (previously amended) A method of claim 1, wherein the mammal is a human.
33. (previously amended) A method of claim 1, wherein the pneumonia is due to viruses, bacteria, or fungi, including pneumonias related to HIV-induced immunodeficiency
34. (previously amended) A method of claim 1, wherein the lysozyme is administered with a carrier, such as DMSO, an alcohol, or water
35. (previously amended) A method of claim 1, wherein the effective amount of lysozyme is from about 10 micrograms per kilogram body weight per day to about 1 milligram per kilogram body weight per day.

It is respectfully requested that these claims now be placed in condition for allowance. Where appropriate, the applicants request constructive assistance with regard to the wording of the claims in order to place them in such condition.

Sincerely yours,



Jerome O. Cantor, MD



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